

Date signed July 15, 2006



Paul Mannes

PAUL MANNES
U. S. BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

IN RE:	:	
	:	
JENNIFER LEE GADDIS	:	Case No. 03-10773PM
	:	Chapter 13
Debtor	:	
-----	:	
JENNIFER LEE GADDIS	:	
Plaintiff	:	
vs.	:	Adversary No. 05-1729PM
VINCENT ABELL	:	
MODERN MANAGEMENT, INC.	:	
Defendants	:	
-----	:	

MEMORANDUM OF DECISION

Before the court is the Plaintiff's Motion for Entry of Permanent Injunction and a Declaratory Judgment and the opposition thereto. The parties came before the court and argued the Motion on July 6, 2006. On that same date, the court entered an Order denying the Motion for reconsideration of two Orders of this court entered May 9, 2006, an Order Certifying Class Against the Defendants, Vincent Abell and Modern Management, Inc., and an Order Granting Plaintiff's Motion for Sanctions, particularly striking the Defendant's answers to the Complaint.

The court will deny the Motion for a permanent injunction without prejudice to renewal following a hearing with presentation of appropriate evidence insofar as the relief prayed seeks to prohibit the Defendants from doing some specific act. Generally, injunctions are protective remedy aimed at future acts and a preventive remedy as opposed to remedying something that occurred in the past.

Furthermore, on the basis of the record as it stands, the court is not inclined to enter a declaratory judgment in the absence of a sufficient record to establish the basis for recharacterization of the obligations concerned. An appropriate order will be entered.

cc:

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End of Memorandum